

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:22-cr-00097

RANDY PRICE

SUBMISSION OF SUPPLEMENTAL AUTHORITY

On June 6, 2023, the United States Court of Appeals for the Third Circuit, sitting *en banc*, affirmatively held that convicted felons are part of the “the people” protected by the Second Amendment and that 18 U.S.C. § 922(g)(1) is unconstitutional under *Bruen*. See *Range v. Attorney General United States of America*, No. 21-2835 (3d Cir. June 6, 2023).¹

While obviously not binding in the Fourth Circuit, defendant maintains that the *en banc* court’s reasoning is a correct application of the Second Amendment and *Bruen*, which is consistent with positions he has previously asserted for dismissing the Section 922(g)(1) count in his indictment.

On October 26, 2022, this matter was stayed pending the United States’ appeal of this Court’s order dismissing the obliterated serial number count of defendant’s indictment. See Dkt. No. 52. That matter has now been fully briefed, and is awaiting either oral argument or alternate resolution on the merits by the

¹ <https://www2.ca3.uscourts.gov/opinarch/212835pen.pdf>

Fourth Circuit. In the meantime, defendant submits the *Range en banc* decision in further support of his previous motion and for the Court's further reconsideration once the pending interlocutory appeal is resolved.

Date: June 6, 2023.

Respectfully submitted,

RANDY PRICE

By Counsel

WESLEY P. PAGE
FEDERAL PUBLIC DEFENDER

s/ Lex A. Coleman

Lex A. Coleman, WV Bar No. 10484
Senior Litigator, Assistant Federal Public Defender
300 Virginia Street, East, Room 3400
Charleston, West Virginia 25301
Telephone: (304) 347-3350
Facsimile: (304) 347-3356
E-mail: lex_coleman@fd.org